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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,132	03/06/2001	R. David L. Campbell	KANG117099	6000

26389 7590 02/09/2004

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EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/801,132

Applicant(s)

CAMPBELL ET AL.

Examiner

Jason D Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2,3,4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Attached Office Action.

### **DETAILED ACTION**

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "the," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The disclosure is objected to because of the following informality. It is suggested that the first sentence of the specification (the priority statement) be updated.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao, USPN 6,081,840, in view of Bracho et al. ("Bracho"), USPN 6,021,443.

7. Regarding claim 1, Zhao discloses a computer readable medium encoded with a set of executable instructions to perform a method for distributing information via common communication channels connecting a plurality of devices, the set of executable instructions comprising: (a) a family construction module for constructing a family of related devices that is a subset of the plurality of devices connected via the common communication channels, each device storing information and being capable of communicating to at least one other device in the family via the common communication channels [ie. local content servers and source content server, Zhao, col. 3, lines 1-25, col. 4, lines 1-18, col. 6, line 51 – col. 7, line 20];

a subscription module for subscribing to information stored by the related devices of the family [Zhao, col. 6, line 51 – col. 7, line 20].

Zhao discloses a content server that transmits files to the local content servers. Zhao does not specifically disclose a publication module for publishing information via the common communication channels to those devices in the family who have subscribed to the information. However, Bracho, in the same information distribution

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field of endeavor, discloses a publication module for publishing information through common channels to devices that have subscribed to the information [Bracho, col. 5, lines 12-51]. It would have been obvious to one having ordinary skill in the art, at the time of the invention was made, to incorporate a publisher, taught by Bracho, into the subscriber system, taught by Zhao, in order to have multiple computers creating and forwarding information.

8. Regarding claim 2, Zhao-Bracho further discloses the family construction module constructs at least one immediate family of devices directly known by the device [Zhao, col. 8, line 66 – col. 10, line 14] [Bracho, col. 10, lines 16-46].

9. Regarding claims 3-5, Zhao-Bracho further discloses the family construction module constructs at least one extended family of devices, which is  $n$ th removed from the device, wherein the extended family of devices  $n$ th removed is directly known by at least one device in an extended family of devices which is  $n-1$  removed from the device [ie. users from another local content server, Zhao, col. 4, lines 19-41 and col.9, lines 32-55] [Bracho, col. 10, lines 16-61].

10. Regarding claims 6-9, Zhao-Bracho further discloses the family construction module constructs at least one immediate family of devices directly known by the device connected to the common communication channels, the family construction module constructs at least one extended family of devices which is  $n$ th removed from the

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device, wherein the extended family of devices  $n$ th removed is directly known by at least one other device in an extended family of devices  $n-1$  removed from the device connected to the common communication channels [Zhao, col. 4, lines 1-41 and col. 7, line 21 – col. 8, line 29] [Bracho, col. 10, lines 16-61].

11. Regarding claims 10-13, Zhao-Bracho further discloses the publication module publishes information via the common communication channels to those devices in the immediate family of the device who have subscribed to the information, wherein for the at least one device, the publication module publishes information via the common communications channels to those devices in the extended family  $n$ th removed from the device who have subscribed to the information [Zhao, col. 4, lines 1-41 and col. 6, lines 20-50] [Bracho, col. 5, lines 12-51 and col. 10, lines 16-61].

12. Regarding claim 14, Zhao-Bracho further discloses the publication module publishes only the most recent information to those devices in the family who have subscribed to the information [Zhao, col. 4, lines 42-59 and col. 8, lines 1-29] [Bracho, col. 13, lines 5-49].

13. Regarding claim 15, Zhao-Bracho further discloses the publication module publishes only changed and new information to those devices in the family who have subscribed to the information [Zhao, col. 4, lines 42-59 and col. 8, lines 1-29] [Bracho, col. 13, lines 5-49].

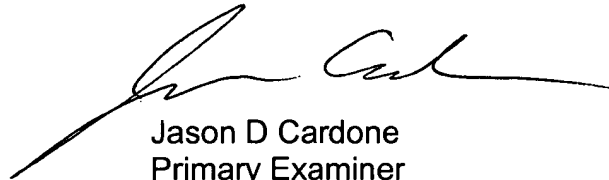
14. Regarding claims 16-20, Zhao-Bracho further discloses the subscription module enables the device to make a subscription to desired information stored by the related devices of the family in which the device is interested, wherein the subscription identifies the subscribing device and the desired information, wherein (a) if the desired information is stored in any of the devices in the extended family nth-1 removed from the subscribing device, the subscription module: (i) makes the desired information available to the subscribing device; and (ii) adds the subscription to a list of subscriptions for the desired information; and (b) if the desired information is not stored in a device in the extended family nth-1 removed from the subscribing device, the subscription module distributes the subscription to the extended family nth removed from the subscribing device [Zhao, col. 4, lines 42-59 and col. 9, lines 32-65] [Bracho, col. 7, lines 15-63 and col. 8, lines 3-39].

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jason D Cardone', is positioned above the printed name and title.

Jason D Cardone  
Primary Examiner  
Art Unit 2142

February 5, 2004